



10/712,287

14580

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: Unassigned
Mills, et al.) Examiner: Unassigned
Serial No.: 10/712,287)
Filed: November 12, 2003)
For: CHAIR AND DESK COMBINATION)

PETITION TO MAKE SPECIAL

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2004.

Jennifer Hargis July 8, 2004

Applicants hereby petition that the above-identified application be made special and advanced out of turn for examination pursuant to 37 CFR § 1.102. This application has not yet received any examination.

In accordance with the guidance set forth in MPEP § 708.02 (II), Applicants are submitting herewith the enclosed Statement in Support of Petition to Make Special which details:

- (A) That there is an infringing device or product actually on the market;
- (B) That a rigid comparison of the alleged infringing device or product with the claims of the application has been made, and that, in the opinion of the declarant, some of the claims are unquestionably infringed; and
- (C) That the declarant has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Copies of references deemed to be most closely related to the subject matter encompassed by the claims of the present application were submitted with the Information Disclosure Statement filed on March 30, 2004 in the present application or otherwise are being submitted with the Supplemental Information Disclosure Statement filed herewith.

Please charge the fee for the present petition set out in 37 C.F.R. § 1.17(h), as well as any other fee associated with this document, to Deposit Account No. 19-2090.

Respectfully submitted,

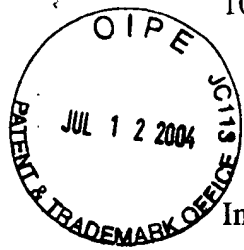
SHELDON & MAK

Date: July 8, 2004

By: 

Michael Fedrick
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Pasadena, California 91101
(626) 796-4000



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Mills, et al.

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STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

I, Robert Hupe, hereby declare as follows:

1. I am a member of the State Bar of California and am registered to practice before the U.S. Patent and Trademark Office, Registration Number 44,789. I currently serve as in-house counsel for Virco Mgmt. Corporation, having offices at 2027 Harpers Way, Torrance, CA 90501.

2. I have become aware that a product which infringes the claims of the above-identified patent application is currently being sold under the brand name Orbital WorkStation by Keen Group Limited, having an address at The Works, Summerleys

Road, Princes Risborough, Bucks, HP29 9PX, United Kingdom. This product is being advertised on the internet and has been offered for sale in the U.S. This advertisement may be seen at the following internet site:

<http://www.ke-en.com/whatsnew.asp?section=whatsnew&id=1> .

3. I have made a rigid comparison of the alleged infringing device, product, or method with the claims of the application and, in my opinion, some of the claims of the above-identified application are unquestionably infringed, in particular claims 1, 2, 3, 13, 14, and 24.

4. I have made a careful and thorough search of the prior art pertinent to the above-identified invention. Copies of prior art references or possible prior art references pertinent to the above-identified invention were submitted with the Information Disclosure Statement filed on March 30, 2004 for this application or otherwise are being submitted with the Supplemental Information Disclosure Statement filed herewith.

5. I declare that all statements made herein of my own knowledge are true and all statements made on information or belief are believed to be true, and further, that the statements herein were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the application or document or any patent resulting therefrom.

Executed this 6th day of July, 2004, at Torrance, California.

By: Robert M. Hupe
Robert M. Hupe